IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 4550 OF 2005

Meena Thakkar ... Petitioner

Versus

Union of India and Ors ... Respondents

Mr. A.V. Anturkar i/by Mrs. Vanita V. Baker-Shastry for Petitioner.

CORAM : F.I. REBELLO &
DR. D.Y. CHANDRACHUD,JJ.
DATED : 30TH SEPTEMBER, 2005

P.C.

. It is the case of the Petitioner placing reliance on Rule 3.1 of the notification that the Petitioner had the qualification of M.Com. and B.Lib. and as such he should have been placed in the pay scale of Rs.1640-2290 which is the pay scale given to Senior Library and Information Assistant. Rule 3.1 reads as under :

> "3.1. The employees in the scales of pay indicated in column (3) of table under para 2.1 may be placed in the revised scales shown there against in column (4) provided the incumbent fulfils the recruitment qualifications as indicated in Annexure I to this O.M. In case existing incumbent does not fulfil the

qualification as laid down in Annexure I, he will continue in the existing scale of pay on personal basis. However, as and when the post falls vacant, it will be filled up in the appropriate scale in accordance with the rules of recruitment. "

. A perusal of the rule therefore, would make it Clear that the employees in the scales of pay indicated in column 3 of rule 2.1 are amongst others persons holding the post of Library Information Assistant. Earlier there were six scales of pay which have been amalgamated into revised pay scale of Rs.1400-2600. Rule 3.1 cannot be read to mean that a person who is holding the post of Library Information Assistant, because he had higher qualification must be treated as Senior Library and Information Assistant. A look at the Annexure would indicate that the post of Senior Library and Information Assistant is a Promotional post from the post of Library and Information Assistant. Once that be the case, the construction as ought to be given to Rule 3.1 on behalf of Petitioner cannot be accepted.

. Considering that, we find no error apparent in

the order of the Central Administrative Tribunal and therefore, no case for interference. Petition rejected.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)